

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 20 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES M. SEBERO,

Defendant,

CR-08-185-JLQ

**SUPPLEMENTAL FINAL
ORDER OF FORFEITURE**

WHEREAS, on January 6, 2011, this Court entered a Final Order of Forfeiture (Ct. Rec. 101) in the within criminal action for wire fraud violations, which Order forfeited certain properties of Defendant James M. Sebero; and

WHEREAS, on July 24, 2009, an Amended Preliminary Order of Forfeiture (Ct. Rec. 98) was entered, which included a forfeiture money judgment against defendant James Sebero, in the amount of \$950,000.00, representing the amount of proceeds obtained as a result of wire fraud offenses involving disability payments from the United States Department of Veterans Affairs.

WHEREAS, U.S. currency in the amount of \$30,000.00, consisting of

1 proceeds from the sale of real property located at 39 Conrad Vista Shores, Laclede,
2 Bonner County, Idaho, was received by the United States on or about September
3 15, 2009, at the closing of the property. Of the total received, \$10,000.00 was
4 returned to third-party claimant Patricia Sebero, through her attorney Greg Devlin,
5 on or about August 8, 2010. Pursuant to the Final Order of Forfeiture (Ct. Rec.
6 101), entered January 6, 2011, the remaining \$20,000.00 was forfeited in lieu of
7 the real property, and shall be applied to reduce the forfeiture money judgment, set
8 forth in the Amended Preliminary Order of Forfeiture, from \$950,000.00 to
9 \$930,000.00.

10 WHEREAS, U.S. currency in the amount of \$70,000.00, consisting of
11 proceeds from the sale of real property located at 9713 N. Austin Lane, Spokane,
12 Spokane County, Washington, was received by the United States on or about
13 September 30, 2010 at the closing of the property, and shall be applied to reduce
14 the forfeiture money judgment from \$930,000.00 to \$860,000.00.

15 WHEREAS, U.S. Currency in the amount of \$10,008.00, consisting of
16 proceeds of auctions occurring at Owens and Company Auction Galley, on or
17 about October 17th and 18th, 2009, was inadvertently omitted from the Motion for
18 Final Order of Forfeiture (Ct. Rec. 99), filed on December 6, 2010, and which
19 proceeds, pursuant to the Stipulation and Agreement for Release of Funds (Ct Rec.
20 64-2), entered into by the United States and defendant James Sebero, on or about
21 November 16, 2009, and approved by Order (Ct. Rec. 65) on November 17, 2009,
22 shall be applied to reduce the forfeiture money judgment from \$860,000.00 to
23 \$849,992.00.

24 WHEREAS, U.S. Currency in the amount of \$11,221.00, consisting of
25 proceeds of an auction occurring at Reinland Auction on or about January 30,
26 2010, was inadvertently omitted from the Motion for Final Order of Forfeiture (Ct.
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1 Rec. 99), filed on December 6, 2010, and which proceeds shall also be applied to
2 reduce the forfeiture money judgment from \$849,992.00 to \$838,771.00.

3 WHEREAS, assets included in the Court's Final Order of Forfeiture (Ct.
4 Rec. 101), entered January 6, 2011, specifically the 1981 Mercedes Benz 380 SL
5 Roadster, VIN: WDBBA45A0BB001556; and the Bronze Statue "Mountain Man"
6 on marble base by Frederic Remington, were auctioned through the United States
7 Marshals Service at Reinland Auction on January 29, 2011, with auction proceeds
8 totaling \$5,550.00, of which \$2,775.00 was returned to Third-Party Claimant
9 Patricia Sebero, via her attorney Greg Devlin, on or about March 11th and March
10 21st, 2011, by the United States Marshals Service, pursuant to the Agreement for
11 Settlement of Claims of Petitioner Patricia Sebero (Ct. Rec. 91), filed on May 21,
12 2010. The remaining \$2,775.00 shall be applied to reduce the forfeiture money
13 judgment from \$838,771.00 to \$835,996.00.

14 AND WHEREAS, additional assets included in the Court's Final Order of
15 Forfeiture, specifically the 1918 Chevrolet Truck, Model 490, Number 19; the
16 1992 Calkins Boat Trailer with Powerwinch, VIN: 1CXBB226NS202238 with
17 1991 Dynasty Elan Assault Boat, Registration Number ID 1955X; and the Red
18 Mac Tool Box, 4 ½ x 7, Model Nos. MD1300GR and MB1360GR with contents,
19 were auctioned through the United States Marshals Service at Reinland Auction on
20 March 12, 2011, with auction proceeds totaling \$13,750.00, of which \$6,875.00
21 was returned to Third-Party Claimant Patricia Sebero, via her attorney Greg
22 Devlin, in April, 2011, by the United States Marshals Service, pursuant to the
23 Agreement for Settlement of Claims of Petitioner Patricia Sebero (Ct. Rec. 91),
24 filed on May 21, 2010. The remaining \$6,875.00 shall also be applied to reduce
25 the forfeiture money judgment amount from \$835,996.00, to \$829,121.00.

26 NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED
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1 that the United States Marshals Service shall forthwith seize the property to be
2 forfeited, not heretofore seized, which is described below, and dispose of it as
3 provided in accordance with the law.

4 IT IS FURTHER ORDERED, ADJUDGED and DECREED:

5 That all right, title and interest to the hereinafter described property, is
6 hereby condemned, forfeited, and vested in the United States, its agents and/or
7 designees, and that no claim of interest in said property shall exist in any other
8 person or entity, and that said property shall be disposed of according to law.

- 9 1. U.S. Currency in the amount of \$10,008.00, consisting of
10 proceeds of an auction occurring at Owens and Company
11 Auction Gallery on or about October 17th and 18th, 2009; and
- 12 2. U.S. Currency in the amount of \$11,211.00, consisting of
13 proceeds of an auction occurring at Reinland Auction on or
14 about January 30, 2010.

15 IT IS FURTHER ORDERED that the \$950,00.00 money judgment set forth
16 in the Preliminary Order of Forfeiture is hereby reduced to \$828,996.00.

17 IT IS FURTHER ORDERED that any and all forfeited funds, including but
18 not limited to currency, currency equivalents and certificates of deposit, as well as
19 any income derived as a result of the United States Department of Justice's
20 management of any property forfeited herein, and the proceeds from the sale of any
21 forfeited property, after the payment of costs and expenses incurred in connection
22 with the forfeiture, sale and disposition of the forfeited property, shall be deposited
23 forthwith by the United States Department of Justice into the Justice Asset
24 Forfeiture Fund in accordance with 28 U.S.C. §524(c) and 21 U.S.C. § 881(e).

25 IT IS FURTHER ORDERED that the United States District Court shall
26 retain jurisdiction in the case for the purpose of enforcing this Order and as to
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1 related forfeiture matters herein.

2 IT IS FURTHER ORDERED that all parties shall bear their own costs and
3 fees.

4 *Dated June 20, 2011.*
5 *Justin R. Buchanan*
6 *U.S. D-2*
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